



April 3, 2007

ENGROSSED SENATE BILL No. 434

DIGEST OF SB 434 (Updated March 29, 2007 4:11 pm - DI 103)

Citations Affected: IC 9-17; IC 36-2; IC 36-7.

Synopsis: Retirement of manufactured home titles. Requires a person who owns a manufactured home that is personal property, not held for resale, or not attached to real estate by a permanent foundation to obtain a certificate of title for the manufactured home. (Current law requires a certificate of title for manufactured homes whether owned as personal property or real property.) Requires an application for: (1) a certificate of title; or (2) an affidavit of transfer to real estate; to include certain identification numbers, if available. Provides that the bureau of motor vehicles (bureau) may issue a certificate of title or an affidavit of transfer to real estate even if the numbers are not available.

(Continued next page)

Effective: July 1, 2007.

Weatherwax

(HOUSE SPONSORS — MOSES, WALORSKI)

January 11, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

January 25, 2007, amended, reported favorably — Do Pass.

February 1, 2007, read second time, amended, ordered engrossed.

February 2, 2007, engrossed.

February 6, 2007, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 12, 2007, read first time and referred to Committee on Interstate and International Cooperation.

March 20, 2007, reassigned to Committee on Small Business and Economic Development.

April 2, 2007, amended, reported — Do Pass.

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Specifies that certain persons are not required to apply for an affidavit of transfer to real estate to convert a manufactured home to real property. Provides that a certificate of title or certificate of origin is not required to apply for an affidavit of transfer to real estate. Provides that the bureau may adopt rules to require additional information in an application for a certificate of title. Repeals and relocates a provision requiring an affirmation of correctness by an applicant for a certificate of title. Requires the bureau to adopt rules concerning the issuance of an affidavit to transfer a manufactured home to real estate. Provides that the filing of an affidavit of transfer of real estate is not required to convert a manufactured home to real estate. Provides that a zoning ordinance must allow occupants of single family residences to engage in the home occupation of providing music instruction.

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April 3, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 434

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-17-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 1. A person who owns a
3 manufactured home **that is:**

4 **(1) personal property;**

5 **(2) not held for resale; or**

6 **(3) not attached to real estate by a permanent foundation;**

7 shall obtain a certificate of title for the manufactured home under this
8 chapter.

9 SECTION 2. IC 9-17-6-2 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: Sec. 2. A person applying for a
11 certificate of title under this chapter must submit an application on a
12 form furnished by the bureau that contains the following information:

13 **(1) A full description of the manufactured home.**

14 **(2) A statement of the person's title and of any lien or**
15 **encumbrance upon the manufactured home.**

16 **(3) The following printed statement:**

17 **"I swear or affirm that the information that I have entered**

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on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(4) The signature of the person applying for the certificate of title directly under the statement set forth in subdivision (3).

(5) The following numbers, if the numbers are available:

(A) A unique serial number assigned by the manufacturer to the manufactured home.

(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

If neither the number described in clause (A) nor the number described in clause (B) is available, the bureau may issue a special identification number for the manufactured home.

(6) Any other information required under rules adopted under IC 4-22-2 by the bureau.

SECTION 3. IC 9-17-6-15.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.1. (a) A person who:

(1) holds a certificate of title ~~or for~~;

(2) holds a certificate of origin for; or

(3) otherwise owns as an improvement;

a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the bureau. However, a person described in this subsection is not required to apply for an affidavit of transfer to real estate to convert a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located.

(b) An application for an affidavit of transfer to real estate must contain the following:

(1) A full description of the manufactured home, including:

(A) ~~the legal~~ a description; and

(B) the parcel number;

of the real estate to which the manufactured home is attached.

(2) The:

(A) certificate of title for the manufactured home; including a notation of any lien or encumbrance on the manufactured home; or

(B) manufacturer's certificate of origin for the manufactured home; if a certificate of title has not been issued for the manufactured home; along with:

(i) an application for a certificate of title under section 2 of

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1 this chapter; and

2 (ii) any appropriate fee under IC 9-29-4 and any appropriate
3 service charge under IC 9-29-3.

4 **(2) One (1) or more of the following numbers:**

5 **(A) A unique serial number assigned by the manufacturer**
6 **to the manufactured home.**

7 **(B) The certification label number required by the United**
8 **States Department of Housing and Urban Development for**
9 **the manufactured home.**

10 **(C) A special identification number issued by the bureau**
11 **for the manufactured home.**

12 (3) An attestation by the owner of the manufactured home that the
13 manufactured home has been permanently attached to the real
14 estate upon which it is located.

15 **(4) The following printed statement:**

16 "I swear or affirm that the information that I have entered on
17 this form is correct. I understand that making a false statement
18 on this form may constitute the crime of perjury."

19 **(5) The signature of the person applying for the affidavit directly**
20 **under the statement set forth in subdivision (4):**

21 **(6) Any other information required by the bureau:**

22 **(c) The bureau shall certify information regarding the title of the**
23 **manufactured home on the affidavit of transfer to real estate:**

24 **(c) The bureau shall adopt rules under IC 4-22-2 to implement**
25 **this section.**

26 **(d) A certificate of title or a certificate of origin is not required**
27 **for a person who applies for an affidavit of transfer to real estate**
28 **under this section.**

29 SECTION 4. IC 9-17-6-15.3 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.3. Upon receipt
31 from the person filing the affidavit of transfer to real estate, with the
32 accompanying **retired** certificate of title, **if available**, the recorder of
33 the county in which the manufactured home is located shall record the
34 affidavit in the manner required by IC 36-2-11-8, provided that the
35 auditor of the county has performed the endorsement required by
36 IC 36-2-9-18.

37 SECTION 5. IC 9-17-6-15.5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.5. The filing in the
39 appropriate county recorder's office of the affidavit of transfer to real
40 estate with the **retired** certificate of title, **if available**, is deemed a
41 conversion of the manufactured home that is attached to real estate by
42 a permanent foundation to an improvement upon the real estate upon

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which it is located. **However, a filing under this section is not required for a person who converts a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located.**

SECTION 6. IC 36-2-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The recorder may record:

- (1) a deed of partition;
- (2) a conveyance of land; or
- (3) an affidavit of transfer to ~~interest in land;~~ **real estate;**

only if it has been endorsed by the auditor of the proper county as "duly entered for taxation subject to final acceptance for transfer", "not taxable", or "duly entered for taxation" as provided by IC 36-2-9-18.

(b) A recorder who violates this section shall forfeit the sum of five dollars (\$5), to be recovered by an action in the name of the county, for the benefit of the common school fund.

SECTION 7. IC 36-7-4-201.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 201.2. (a) As used in this section, "home occupation" means an occupation, profession, activity, or use that:**

- (1) is conducted entirely within an enclosed single family residence;**
- (2) is clearly an incidental and secondary use of the single family residence; and**
- (3) does not alter the exterior of the property or affect the residential character of the neighborhood.**

(b) Subject to subsection (c), a zoning ordinance must allow one (1) or more occupants of a single family residence to engage in a home occupation of providing instruction in music.

(c) This section does not prohibit a unit from imposing conditions concerning noise, advertising, traffic, hours of operation, or any other condition relevant to the use of a single family residence for a home occupation.

(d) A zoning ordinance in violation of this section is void.

SECTION 8. IC 9-17-6-3 IS REPEALED [EFFECTIVE JULY 1, 2007].

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "as" and insert "**that is:**

(1)".

Page 1, line 3, after "property" insert ";

(2) not held for resale; or

(3) not attached to real estate by a permanent foundation;".

Page 1, line 3, beginning with "shall" begin a new line blocked left.

Page 1, line 9, after "home" delete "," and insert ".".

Page 1, line 9, delete "including:".

Page 1, delete 10 through 15.

Page 2, between line 7 and 8, begin a new line block indented and insert:

"(5) The following numbers, if the numbers are available:

(A) A unique serial number assigned by the manufacturer to the manufactured home.

(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

(C) A unique vehicle identification number assigned by the bureau to the manufactured home.

The bureau may issue a certificate of title for a manufactured home under this chapter even if the numbers described in this subdivision are not available."

Page 2, line 8, delete "(5)" and insert "**(6)**".

Page 2, line 19, reset in roman "the following:".

Page 2, line 20, reset in roman "(1) A full description of the manufactured home,".

Page 2, line 20, delete "including" and insert "including:

(A)".

Page 2, line 21, after "legal" insert "**a**".

Page 2, line 21, delete "description" and insert "description; **and**

(B) the parcel number;".

Page 2, line 21, beginning with "of" begin a new line block indented.

Page 2, line 21, reset in roman "of the real estate to which the manufactured".

Page 2, line 22, reset in roman "home is attached."

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Page 2, between lines 33 and 34, begin a new line block indented and insert:

"(2) The following numbers, if the numbers are available:

(A) A unique serial number assigned by the manufacturer to the manufactured home.

(B) The certification label number required by the United States Department of Housing and Urban Development for the manufactured home.

(C) A unique vehicle identification number assigned by the bureau to the manufactured home.

The bureau may issue an affidavit of transfer to real estate under this chapter even if the numbers described in this subdivision are not available."

Page 2, line 34, reset in roman "(3)".

Page 2, line 34, delete "an" and insert "An".

Page 3, line 9, after "title," insert "if available,".

Page 3, line 16, after "title" insert ", if available,".

and when so amended that said bill do pass.

(Reference is to SB 434 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 434 be amended to read as follows:

Page 2, line 12, delete "unique vehicle" and insert "**special**".

Page 2, line 12, delete "assigned" and insert "**stamped or otherwise placed**".

Page 2, line 13, delete "to" and insert "**on**".

Page 2, line 26, after "bureau." insert "**However, a person described in this subsection is not required to apply for an affidavit of transfer to real estate to convert a manufactured home that is attached to real estate by a permanent foundation to an improvement upon the real estate upon which it is located.**".

Page 3, line 8, delete "unique vehicle" and insert "**special**".

Page 3, line 8, delete "assigned" and insert "**stamped or otherwise placed**".

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Page 3, line 9, delete "to" and insert "**on**".

Page 3, between lines 26 and 27, begin a new paragraph and insert:

"(d) A certificate of title or a certificate of origin is not required for a person who applies for an affidavit of transfer to real estate under this section."

Page 3, line 41, delete "conversion" and insert "**filing**".

Page 3, line 42, delete "the assessment of" and insert "**a person who converts**".

Page 4, line 1, delete "as real property" and insert "**to an improvement upon the real estate upon which it is located.**".

Page 4, delete line 2, begin a new paragraph and insert:

"SECTION 6. IC 36-2-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The recorder may record:

- (1) a deed of partition;
- (2) a conveyance of land; or
- (3) an affidavit of transfer to ~~interest in land;~~ **real estate;**

only if it has been endorsed by the auditor of the proper county as "duly entered for taxation subject to final acceptance for transfer", "not taxable", or "duly entered for taxation" as provided by IC 36-2-9-18.

(b) A recorder who violates this section shall forfeit the sum of five dollars (\$5), to be recovered by an action in the name of the county, for the benefit of the common school fund."

Renumber all SECTIONS consecutively.

(Reference is to SB 434 as printed January 26, 2007.)

WEATHERWAX

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred Senate Bill 434, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 16, begin a new line block indented and insert:

"If neither the number described in clause (A) nor the number described in clause (B) is available, the bureau may issue a special identification number for the manufactured home."

Page 3, delete line 6, begin a new line block indented and insert:

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"(2) One (1) or more of the following numbers:".

Page 3, delete lines 12 through 16, begin a new line double block indented and insert:

"(C) A special identification number issued by the bureau for the manufactured home.".

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 7. IC 36-7-4-201.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 201.2. (a) As used in this section, "home occupation" means an occupation, profession, activity, or use that:

- (1) is conducted entirely within an enclosed single family residence;**
- (2) is clearly an incidental and secondary use of the single family residence; and**
- (3) does not alter the exterior of the property or affect the residential character of the neighborhood.**

(b) Subject to subsection (c), a zoning ordinance must allow one (1) or more occupants of a single family residence to engage in a home occupation of providing instruction in music.

(c) This section does not prohibit a unit from imposing conditions concerning noise, advertising, traffic, hours of operation, or any other condition relevant to the use of a single family residence for a home occupation.

(d) A zoning ordinance in violation of this section is void.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 434 as reprinted February 2, 2007.)

ORENTLICHER, Chair

Committee Vote: yeas 9, nays 2.

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